



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

| 1. Total requests filed since start of Ex Parte reexam on 07/01/81 1 | | | | | | | | | | 14185 |
|--|--------------------|--------------------|---------------|-----------|---------------|---|------------|-----|--------------|---------------------|
| | a. By pat | ent owner | | | | | | | 3954 | 27.9% |
| | b. by oth | er member of | f the public | | | | | | 10056 | 70.9% |
| | c. By ord | er of Commis | sioner | | | | | | 175 | 1.2% |
| 2 Numb | oor of Filipa | e bu dissiplina | | | | | | | | |
| Z. Numi | _ | s by discipline | | | | | | | 2042 | 27 10/ |
| | | cal Operation | | | | | | | 3843 5279 | 27.1% 37.2% |
| | | cal Operation | | | | | | | 4790 | 33.8% |
| c. Mechanical Operation 4790 d. Design Patents 273 | | | | | | | | | | |
| | u. Desigi | ratents | | | | | | | 2/3 | 1.9% |
| 3. Annu | al <i>Ex Parte</i> | Reexam Filing | gs | | | | | | | |
| | Fiscal Yr. | . No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 242 | 1997 | 380 | 2005 | 520 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 348 | 2006 | 473 | 2014 | 355 |
| | 1983 | 186 | 1991 | 309 | 1999 | 391 | 2007 | 600 | 2015 | 244 |
| | 1984 | 189 | 1992 | 390 | 2000 | 312 | 2008 | 690 | 2016 | 222 |
| | 1985 | 230 | 1993 | 359 | 2001 | 295 | 2009 | 603 | 2017 | 191 |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 697 | 2018 | 187 |
| | 1987 | 240 | 1995 | 395 | 2003 | 394 | 2011 | 734 | 2019 | 163 |
| | 1988 | 269 | 1996 | 413 | 2004 | 436 | 2012 | 780 | 2020 | 198 |
| 4. Numl | oer known t | to be in litigat | ion | | | | | | 5428 | 38.3% |
| 5. Decis | ions on rea | uests ² | | | | | | | | 14185 |
| | a. No. gra | | | | | | | | 13082 | 92.2% |
| | _ | By examiner | - | | | | | | 12888 | |
| | | By Director (| | | | | | | 194 | |
| | b. No. de | - | ` ' . | | | | | | 1183 | 8.3% |
| | (1) |) By examiner | - | | | | | | 1103 | |
| | | Reexam vac | | | | | | | 80 | |
| 6 Total | evaminer | lenials (includ | as danials re | warsad hi | / Director) | | | | | 1103 |
| o. Total | | owner reque | | verseu D | י שוו בכנטו ן | • | ••••• | | 525 | 47.6% |
| | | party requeste | | | | | | | 578 | 52.4% |
| | D. IIIII U J | Juily request | -1 | | | | | | 570 | JZ. 4 /0 |

¹ Total decisions on requests does not include requests that have been vacated or are pending.

² The Director granted requests are only granted petitions on denial under 37 CFR 1.515.

³ Historic certificates were reviewed and the data in items 8-10 reflects the outcome of the review to the extent the data is available as of Oct

^{1, 2020}

7. Overall reexamination pendency (Filing date to certificate issue date)......

a. Average pendency

25.7 (mos.)

b. Median pendency

19.3 (mos.)

| 8. Reexam certificate claim analysis: ³ | Owner Requester | 3rd Party Requester | | Overall | Numbers |
|--|--------------------|------------------------|----|---------|---------|
| a. Certificates with all claims confirmed | 6% | 14% | 0% | 20.9% | 2672 |
| b. Certificates with all claims canceled | 3% | 10% | 0% | 13.1% | 1668 |
| c. Certificates with claims changes | 22% | 44% | 1% | 66.0% | 8424 |
| 9. Total ex parte reexamination certificates | issued (198 | 1 – present) |) | | 12764 |

10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

| a. Certificates – PATENT OWNER REQUESTER | | 3960 |
|---|------|-------|
| a. All claims confirmed | 809 | 20.4% |
| b. All claims canceled | 396 | 10.0% |
| c. Claims changed | 2755 | 69.6% |
| b. Certificates – 3rd PARTY REQUESTER | | 8630 |
| a. All claims confirmed | 1846 | 21.4% |
| b. All claims canceled | 1226 | 14.2% |
| c. Claims changed | 5558 | 64.4% |
| c. Certificates – COMMISSIONER INITIATED REEXAM | | 174 |
| a. All claims confirmed | 17 | 9.8% |
| b. All claims canceled | 46 | 26.4% |
| c. Claims changed | 111 | 63.8% |

¹ Total decisions on requests does not include requests that have been vacated or are pending.

² The Director granted requests are only granted petitions on denial under 37 CFR 1.515.

³ Historic certificates were reviewed and the data in items 8-10 reflects the outcome of the review to the extent the data is available as of Oct



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| 1. Total requests filed since start of Ex Parte reexam on 07/01/81 | | | | | | | | | | 13987 |
|--|------------------------------|--------------------|---------------|-----------|---------------|--------|------------|-----|------------|----------------|
| | a. By pate | ent owner | | | | | | | 3919 | 28% |
| | b. by oth | er member of | the public | | | | | | 9893 | 71% |
| | c. By ord | er of Commis | sioner | | | | | | 175 | 1% |
| | c =::: | | | | | | | | | |
| | _ | s by discipline | | | | | | | | 9 7 0 / |
| | | cal Operation | | | | | | | 3791 | 27% |
| | | cal Operation | | | | | | | 5214 | 37% |
| | | nical Operation | on | | | | | | 4732 | 34% |
| | d. Design | Patents | | | | | | | 250 | 2% |
| 3. Annual | Ex Parte | Reexam Filing | gs | | | | | | | |
| | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 242 | 1997 | 380 | 2005 | 520 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 348 | 2006 | 473 | 2014 | 355 |
| | 1983 | 186 | 1991 | 309 | 1999 | 391 | 2007 | 600 | 2015 | 244 |
| | 1984 | 189 | 1992 | 390 | 2000 | 312 | 2008 | 690 | 2016 | 222 |
| | 1985 | 230 | 1993 | 359 | 2001 | 295 | 2009 | 603 | 2017 | 191 |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 697 | 2018 | 187 |
| | 1987 | 240 | 1995 | 395 | 2003 | 394 | 2011 | 734 | 2019 | 163 |
| | 1988 | 269 | 1996 | 413 | 2004 | 436 | 2012 | 780 | | |
| 4. Numbo | ميدومياء | a ha in liticat | ion | | | | | | 1938 | 14% |
| 4. Numbe | rknown | to be in litigat | 1011 | | | | | | 1938 | 14% |
| 5. Decisio | ns on req | uests ² | | | | | | | | 14130 |
| | a. No. gra | anted | | | | | | | 12905 | 91% |
| | (1) | By examiner | | | | | | | 12718 | |
| | (2) | By Director (| on petition) | | | | | | 187 | |
| | b. No. de | nied | | | | | | | 1277 | 9% |
| | (1) | By examiner | | | | | | | 1225 | |
| | (2) | Reexam vaca | ated | | | | | | 52 | |
| 6 Total ev | xaminer d | lenials (includ | es denials re | versed hi | / Director) | | | | | 1226 |
| | | owner reque | | c. Jea by | , 511 00001 , | •••••• | •••••• | | 524 | 43% |
| | | • | | | | | | | | 57% |
| | b. Third party requester 702 | | | | | | | | | |

¹ Total decisions on requests does not include requests that have been vacated or are pending.

7. Overall reexamination pendency (Filing date to certificate issue date)......

a. Average pendency 25.8 (mos.)
b. Median pendency 19.4 (mos.)

| | Owner | 3rd Party | Comm'r | | | |
|---|-----------|-----------|----------|---|---------|---------|
| | Requester | Requester | Initiate | | Overall | Numbers |
| | | | | • | | |
| a. Certificates with all claims confirmed | 6% | 15% | 0% | | 20.7% | 2480 |
| b. Certificates with all claims canceled | 3% | 10% | 0% | | 12.7% | 1517 |
| c. Certificates with claims changes | 19% | 46% | 1% | | 66.6% | 7983 |

9. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

| in claim analysis requester is patent owner or sta party or commissioner initiated. | | | | | | | |
|---|--|--|--|--|--|--|--|
| | 3325 | | | | | | |
| 693 | 21% | | | | | | |
| 300 | 9% | | | | | | |
| 2332 | 70% | | | | | | |
| | 8481 | | | | | | |
| 1769 | 21% | | | | | | |
| 1170 | 14% | | | | | | |
| 5542 | 65% | | | | | | |
| | 174 | | | | | | |
| 18 | 10% | | | | | | |
| 47 | 27% | | | | | | |
| 109 | 63% | | | | | | |
| | 693 300 2332 1769 1170 5542 | | | | | | |

¹ Total decisions on requests does not include requests that have been vacated or are pending.



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| 1. Total | requests fil | ed since start | t of <i>Ex Parte</i> | reexam | on 07/01/81 | | | | | 14005 |
|----------|--------------|-----------------|----------------------|-----------|-----------------|-------|------------|-----|-------------|-----------|
| | a. By pate | ent owner | | | | | | | 4137 | 30% |
| | b. by oth | er member o | f the public | | | | | | 9825 | 70% |
| | c. By orde | er of Commis | sioner | | | | | | 43 | 0% |
| 2 Numak | or of Filing | s bu dissiplin | • | | | | | | | |
| Z. Numi | _ | s by discipline | | | | | | | 3782 | 270/ |
| | | cal Operation | | | | | | | | 27% |
| | | cal Operation | | | | | | | 5270 | 38% |
| | d. Design | nical Operati | OH | | | | | | 4717 236 | 34% 2% |
| | u. Design | ratents | | | | | | | 230 | 270 |
| 3. Annu | | Reexam Filin | gs | | | | | | | |
| | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 242 | 1997 | 380 | 2005 | 520 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 348 | 2006 | 473 | 2014 | 355 |
| | 1983 | 186 | 1991 | 309 | 1999 | 391 | 2007 | 601 | 2015 | 243 |
| | 1984 | 189 | 1992 | 390 | 2000 | 312 | 2008 | 691 | 2016 | 225 |
| | 1985 | 230 | 1993 | 359 | 2001 | 295 | 2009 | 605 | 2017 | 189 |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 698 | 2018 | 189 |
| | 1987 | 240 | 1995 | 395 | 2003 | 394 | 2011 | 736 | | |
| | 1988 | 269 | 1996 | 413 | 2004 | 436 | 2012 | 781 | | |
| 4. Numl | oer known t | o be in litigat | tion | | | | | | 4731 | 34% |
| | | · · | | | | | | | | |
| 5. Decis | ions on req | uests | | | | | | | | 13178 |
| | a. No. gra | anted | | | | | | | 12042 | 91% |
| | (1) | By examine | r | | | | | | 11891 | |
| | (2) | By Director | (on petition | 1) | | | | | 151 | |
| | b. No. de | nied | | | | | | | 1136 | 9% |
| | (1) | By examine | r | | | | | | 1089 | |
| | (2) | Reexam vac | ated | | | | | | 47 | |
| 6. Total | examiner d | enials (includ | les denials r | eversed | by Director) | | | | | 2272 |
| | | owner reque | | | , | | | | 586 | 26% |
| | | arty request | | | | | | | 1686 | 74% |
| | · | | | | | | | | | |
| 7. Overa | | • | ncy (Filing d | ate to ce | rtificate issue | date) | | | | |
| | _ | e pendency | | | | | | | 27.7 (| · - |
| | b. Mediai | n pendency | | | | | | | 19.8 (| mos.) |

¹ Total decisions on requests does not include requests that have been vacated or are pending. 1/2

| 8. Reexam certificate claim analysis: | Owner | 3rd Party Requester | Comm'r Initiate | | Overall | | | |
|---|--------------|------------------------|--------------------|-----------|------------|--|--|--|
| | Requester | Nequester | IIIIIIate | Ī | Overall | | | |
| a. All claims confirmed | 6% | 15% | 0% | | 21% | | | |
| b. All claims canceled | 3% | 10% | 0% | | 12% | | | |
| c. Claims changed | 20% | 47% | 0% | | 67% | | | |
| 9. Total ex parte reexamination certificate | s issued (19 | 81 – presen | t) | | 11403 | | | |
| a. Certificates with all claims cor | nfirmed | - | | 2391 | 21% | | | |
| b. Certificates with all claims car | rceled | | | 1404 | 12% | | | |
| c. Certificates with claims changes 7608 | | | | | | | | |
| 10. Reexam claim analysis – requester is p | atent owne | r or 3rd par | ty or Com | missioner | initiated. | | | |
| a. Certificates – PATENT OWNER | | • | ., | | 3337 | | | |
| a. All claims confirmed | • | | | 690 | 21% | | | |
| b. All claims canceled | | | | 293 | 9% | | | |
| c. Claims changed | | | | 2313 | 69% | | | |
| b. Certificates – 3rd PARTY REQU | JESTER | | | | 8362 | | | |
| a. All claims confirmed | t | | | 1681 | 20% | | | |
| b. All claims canceled | | | | 1062 | 13% | | | |
| c. Claims changed | | | | 5174 | 62% | | | |
| c. Certificates – COMMISSIONER | INITIATED | REEXAM | | | 41 | | | |
| a. All claims confirmed | ł | | | 2 | 5% | | | |
| b. All claims canceled | | | | 23 | 56% | | | |
| c. Claims changed | | | | 16 | 39% | | | |

data as of 9/30/2018 2/2



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| 1. Total | requests fil | ed since start | t of <i>Ex Parte</i> | reexam | on 07/01/81 | | | | | 13641 |
|-----------|--------------------|-----------------|----------------------|---------------|-----------------|-------|------------|-----|------------|-------|
| | a. By pate | ent owner | | | | | | | 3912 | 29% |
| | b. by oth | er member o | f the public | | | | | | 9686 | 71% |
| | c. By orde | er of Commis | sioner | | | | | | 43 | 0% |
| | 6 | | | | | | | | | |
| 2. Numb | _ | s by dicipline | | | | | | | | |
| | | cal Operation | | | | | | | 3670 | 27% |
| | | cal Operation | | | | | | | 5148 | 38% |
| | | nical Operati | on | | | | | | 4596 | 34% |
| | d. Design | Patents | | | | | | | 227 | 2% |
| 3. Annua | al <i>Ex Parte</i> | Reexam Filin | gs | | | | | | | |
| | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 242 | 1997 | 380 | 2005 | 520 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 348 | 2006 | 473 | 2014 | 355 |
| | 1983 | 186 | 1991 | 309 | 1999 | 391 | 2007 | 601 | 2015 | 243 |
| | 1984 | 189 | 1992 | 390 | 2000 | 312 | 2008 | 691 | 2016 | 219 |
| | 1985 | 230 | 1993 | 359 | 2001 | 295 | 2009 | 605 | 2017 | 191 |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 698 | | |
| | 1987 | 240 | 1995 | 395 | 2003 | 394 | 2011 | 736 | | |
| | 1988 | 269 | 1996 | 413 | 2004 | 436 | 2012 | 781 | | |
| 4. N | 1 | | | | | | | | 4640 | 2.40/ |
| 4. Numr | oer known t | o be in litigat | :ion | | | | | • | 4648 | 34% |
| 5. Decisi | ions on req | uests | | | | | | | | 13147 |
| | a. No. gra | anted | | | | | | | 12047 | 92% |
| | (1) | By examine | r | | | | | | 11913 | |
| | (2) | By Director | (on petition | 1) | | | | | 134 | |
| | b. No. de | nied | | | | | | | 1100 | 8% |
| | (1) | By examine | r | | | | | | 1054 | |
| | (2) | Reexam vac | ated | | | | | | 46 | |
| 6. Total | examiner d | enials (includ | les denials r | eversed | by Director) | | | | | 1056 |
| o. rotar | | owner reque | | C C C C C C C | o, o., co., | | | | 494 | 47% |
| | | arty request | | | | | | | 562 | 53% |
| | o. mila p | arty request | C. | | | | | | 302 | 33/0 |
| 7. Overa | | • | ncy (Filing d | ate to ce | rtificate issue | date) | | | | |
| | _ | e pendency | | | | | | | 26.4 (| • |
| | b. Media | n pendency | | | | | | | 19.4 (| mos.) |

| 8. Reexam certificate claim analysis: | Owner | 3rd Party | Comm'r | | |
|--|--------------|--------------|-----------|-------------|-----------|
| | Requester | Requester | Initiate | | Overall |
| | | | | • | |
| a. All claims confirmed | 6% | 15% | 0% | | 21% |
| b. All calims cancled | 3% | 9% | 0% | | 12% |
| c. Claims changed | 21% | 46% | 0% | | 67% |
| 9. Total ex parte reexamination certificates | s issued (19 | 81 – nresen | +) | | 11403 |
| a. Certificates with all claims cor | - | or presen | | 2391 | 21% |
| b. Certificates with all claims can | | | | 1404 | 12% |
| c. Certificates with claims change | | | | 7608 | 67% |
| or determented with ordinal change | | | | , 000 | 0,70 |
| 10. Reexam claim analysis – requester is pa | atent owne | r or 3rd par | ty or Com | missioner i | nitiated. |
| a. Certificates – PATENT OWNER | REQUESTE | R | | | 3296 |
| a. All claims confirmed | ł | | | 690 | 21% |
| b. All calims cancled | | | | 293 | 9% |
| c. Claims changed | | | | 2313 | 70% |
| b. Certificates – 3rd PARTY REQU | JESTER | | | | 7917 |
| a. All claims confirmed | l | | | 1681 | 21% |
| b. All calims cancled | | | | 1062 | 13% |
| c. Claims changed | | | | 5174 | 65% |
| c. Certificates – COMMISSIONER | INITIATED | REEXAM | | | 41 |
| a. All claims confirmed | d | | | 2 | 5% |
| b. All calims cancled | | | | 23 | 56% |
| c. Claims changed | | | | 16 | 39% |

data as of 9/30/2017



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| 1. Total requests filed since start of Ex Parte reexam on 07/01/81. a. By patent owner b. by other member of the public c. By order of Commissioner 43 2. Number of Filings by dicipline a. Chemical Operation b. Electrical Operation c. Mechanical Operation d. Design Patents 3887 9520 9520 43 | | | | | | | | | |
|--|-----------------|---------------|------------|-----------------|------------|----------------|------------|--------------|--------------|
| | | | | | | | | | |
| 3. Annual Ex Parte | - | | | = : 137 | | = : 137 | | E' 137 | |
| Fiscal Yr | | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| 1981 | 78 (3 mos.) | 1989 | 242 | 1997 | 380 | 2005 | 520 | 2013 | 305 |
| 1982 | 187 | 1990 | 297 | 1998 | 348 | 2006 | 473 601 | 2014 | 355 |
| 1983 1984 | 186 189 | 1991 1992 | 309 390 | 1999 2000 | 391 312 | 2007 2008 | 601 691 | 2015 2015 | 243 219 |
| 1985 | 230 | 1993 | 359 | 2001 | 295 | 2008 | 605 | 2013 | 219 |
| 1986 | 230 | 1994 | 379 | 2001 | 293 272 | 2009 | 698 | | |
| 1987 | 240 | 1995 | 395 | 2002 | 394 | 2010 | 736 | | |
| 1988 | 269 | 1996 | 413 | 2004 | 436 | 2012 | 781 | | |
| 4. Number known5. Decisions on rec | | | | | | | | 4350 | 32% 12929 |
| a. No. gr | • | •••••• | | •••••• | | •••••• | | 11835 | 92% |
| |) By examiner | • | | | | | | 11704 | 3270 |
| • |) By Director (| | 1) | | | | | 131 | |
| b. No. de | | ` ' | , | | | | | 1094 | 8% |
| (1 |) By examiner | | | | | | | 1048 | |
| (2 |) Reexam vac | ated | | | | | | 46 | |
| | t owner reque | ster | reversed l | by Director) | | | | 492 | 1048 47% |
| b. Third | party requeste | er | | | | | | 556 | 53% |
| 7. Overall reexami | • | ncy (Filing d | ate to ce | rtificate issue | date) | | | | |
| | ge pendency | | | | | | | 25.77 (| · - |
| b. Median pendency 20.2 (m | | | | | | | | | mos.) |

¹ Total decisions on requests does not include requests that have been vacated or are pending. 1/2

| 8. Reexam certificate claim analysis: | Owner Requester | 3rd Party Requester | | ı • | Overall |
|---|--------------------|------------------------|-----------|-------------|-------------------|
| a. All claims confirmed | 6% | 15% | 0% | | 21% |
| b. All calims cancled | 3% | 9% | 0% | | 12% |
| c. Claims changed | 21% | 45% | 0% | | 66% |
| 9. Total ex parte reexamination certificate | s issued (19 | 81 – presen | t) | | 10979 |
| a. Certificates with all claims cor | nfirmed | | | 2337 | 21% |
| b. Certificates with all claims car | nceled | | | 1339 | 12% |
| c. Certificates with claims chang | es | | | 7303 | 67% |
| 10. Reexam claim analysis – requester is p a. Certificates – PATENT OWNER | | • | y or Comi | missioner i | nitiated. 3270 |
| a. All claims confirmed | • | | | 685 | 21% |
| b. All calims cancled | | | | 291 | 9% |
| c. Claims changed | | | | 2294 | 70% |
| b. Certificates – 3rd PARTY REQU | JESTER | | | | 7519 |
| a. All claims confirmed | ł | | | 1631 | 22% |
| b. All calims cancled | | | | 999 | 13% |
| c. Claims changed | | | | 4889 | 65% |
| c. Certificates – COMMISSIONER | INITIATED | REEXAM | | | 41 |
| a. All claims confirmed | d | | | 2 | 5% |
| b. All calims cancled | | | | 23 | 56% |
| c. Claims changed | | | | 16 | 39% |

¹ Total decisions on requests does not include requests that have been vacated or are pending.



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| 1. Total | requests fi | led since start | t of <i>Ex Parte</i> | reexam | on 07/01/81. | | | | | 13136 |
|------------------------------|--------------------|------------------|----------------------|-----------|-----------------|--------|------------|------|------------|-------|
| | a. By pat | ent owner | | | | | | | 3957 | 30% |
| | b. by oth | ner member o | f the public | | | | | | 9014 | 69% |
| | c. By ord | ler of Commis | sioner | | | | | | 165 | 1% |
| | 6 | | | | | | | | | |
| 2. Numl | | gs by dicipline | | | | | | | 2=22 | 0=0/ |
| | | ical Operation | | | | | | | 3569 | 27% |
| | | ical Operation | | | | | | | 5265 | 40% |
| | | anical Operati | on | | | | | | 4418 | 34% |
| | d. Desigr | n Patents | | | | | | | 220 | 2% |
| 3. Annu | al <i>Ex Parte</i> | Reexam Filin | gs | | | | | | | |
| | Fiscal Yr | . No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 243 | 1997 | 376 | 2005 | 524 | 2013 | 296 |
| | 1982 | 187 | 1990 | 297 | 1998 | 350 | 2006 | 511 | 2014 | 342 |
| | 1983 | 186 | 1991 | 307 | 1999 | 385 | 2007 | 643 | 2015 | 240 |
| | 1984 | 189 | 1992 | 392 | 2000 | 318 | 2008 | 680 | | |
| | 1985 | 230 | 1993 | 359 | 2001 | 296 | 2009 | 658 | | |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 780 | | |
| | 1987 | 240 | 1995 | 392 | 2003 | 392 | 2011 | 759 | | |
| | 1988 | 268 | 1996 | 418 | 2004 | 441 | 2012 | 787 | | |
| 4 511 | | | • | | | | | | 4040 | 270/ |
| 4. Numi | oer known | to be in litigat | :ion | | | | | • | 4819 | 37% |
| 5. Decis | ions on rec | quests | | | | | | | | 12641 |
| | a. No. gr | anted | | | | | | | 11623 | 92% |
| | (1 |) By examine | r | | | | | | 11492 | |
| | (2 |) By Director | (on petition | 1) | | | | | 131 | |
| | b. No. de | enied | | | | | | | 1018 | 8% |
| | (1 |) By examine | ſ | | | | | | 980 | |
| | (2 |) Reexam vac | ated | | | | | | 38 | |
| 6 Total | examiner (| denials (includ | les denials r | eversed | hy Director) | | | | | 1118 |
| o. rotar | | t owner reque | | CVCISCU | by Directory | •••••• | •••••• | | 496 | 44% |
| | | party request | | | | | | | 622 | 56% |
| b. Tillia party requester | | | | | | | | 30/0 | | |
| 7. Overa | | nation pender | ncy (Filing d | ate to ce | rtificate issue | date) | | | | |
| a. Average pendency 26.5 (mo | | | | | | | | | | |
| | b. Media | in pendency | | | | | | | 19.6 (| mos.) |

¹ Total decisions on requests does not include requests that have been vacated or are pending. 1/2

| 8. Reexam certificate claim analysis: | Owner Requester | 3rd Party Requester | | , | Overall |
|---|--------------------|------------------------|------------|-----------|--------------------|
| a. All claims confirmed | 6% | 15% | 0% | | 21% |
| b. All calims cancled | 3% | 9% | 0% | | 12% |
| c. Claims changed | 21% | 45% | 1% | | 67% |
| 9. Total ex parte reexamination certificate a. Certificates with all claims cor | • | 81 – presen | t) | 2331 | 10951 21% |
| b. Certificates with all claims car | | | | 1334 | 12% |
| c. Certificates with all claims chang | | | | 7286 | 67% |
| 10. Reexam claim analysis – requester is p a. Certificates – PATENT OWNER | | • | ty or Comi | missioner | initiated. 3268 |
| a. All claims confirmed | d | | | 685 | 21% |
| b. All calims cancled | | | | 291 | 9% |
| c. Claims changed | | | | 2292 | 70% |
| b. Certificates – 3rd PARTY REQU | JESTER | | | | 7513 |
| a. All claims confirmed | t | | | 1628 | 22% |
| b. All calims cancled | | | | 998 | 13% |
| c. Claims changed | | | | 4887 | 65% |
| c. Certificates – COMMISSIONER | INITIATED | REEXAM | | | 170 |
| a. All claims confirmed | t | | | 18 | 11% |
| b. All calims cancled | | | | 45 | 26% |
| c. Claims changed | | | | 107 | 63% |

data as of 9/30/2015



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Alexandria, VA 22313-1450
www.uspto.gov

| 1. Total re | auests fil | ed since start | of <i>Ex Parte</i> | e reexam | on 07/01/81. | | | | | 13217 |
|-------------|-------------|------------------|--------------------|-----------|-----------------|-------|------------|-----|------------|-------|
| | • | ent owner | | | . , . , . | | | | 3833 | 29% |
| | | er member o | f the public | | | | | | 9217 | 70% |
| | • | er of Commis | • | | | | | | 167 | 1% |
| | , | | | | | | | | | |
| 2. Numbe | r of Filing | s by dicipline | | | | | | | | |
| | a. Chemi | cal Operation | | | | | | | 3516 | 27% |
| | b. Electri | cal Operation | | | | | | | 5167 | 39% |
| | c. Mecha | nical Operation | on | | | | | | 4330 | 33% |
| | d. Design | Patents | | | | | | | 204 | 2% |
| 3. Annual | Fx Parte | Reexam Filing | gs | | | | | | | |
| 31711111001 | Fiscal Yr. | | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No |
| | 1981 | 78 (3 mos.) | 1989 | 243 | 1997 | 376 | 2005 | 524 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 350 | 2006 | 511 | 2014 | 343 |
| | 1983 | 186 | 1991 | 307 | 1999 | 385 | 2007 | 643 | 201. | 3.3 |
| | 1984 | 189 | 1992 | 392 | 2000 | 318 | 2008 | 680 | | |
| | 1985 | 230 | 1993 | 359 | 2001 | 296 | 2009 | 658 | | |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 780 | | |
| | 1987 | 240 | 1995 | 392 | 2003 | 392 | 2011 | 759 | | |
| | 1988 | 268 | 1996 | 418 | 2004 | 441 | 2012 | 787 | | |
| | | | | | | | | | | / |
| 4. Numbe | r known t | to be in litigat | ion | | | | | • | 4362 | 33% |
| 5. Decisio | ns on rea | uests | | | | | | | | 12429 |
| | a. No. gra | | | | | | | | 11402 | 92% |
| | _ | By examiner | • | | | | | | 11271 | |
| | | By Director (| | 1) | | | | | 131 | |
| | b. No. de | - | | , | | | | | 1027 | 8% |
| | (1) | By examiner | • | | | | | | 990 | |
| | (2) | Reexam vac | ated | | | | | | 37 | |
| 6 Total o | vaminor d | lonials (includ | os donials r | oversed l | by Director) | | | | | 1067 |
| | | owner reque | | everseu | by Director) | | ••••• | | 665 | 62% |
| | | party requeste | | | | | | | 621 | 58% |
| | o. minu þ | Jaily request | <u>_1</u> | | | | | | 021 | 30/0 |
| 7. Overall | reexamir | nation pender | ncy (Filing d | ate to ce | rtificate issue | date) | | | | |
| | _ | ge pendency | | | | | | | 22.3 (| - |
| | b. Media | n pendency | | | | | | | 15.9 (| mos.) |

¹ Total decisions on requests does not include requests that have been vacated or are pending.

| 8. Reexam certificate claim analysis: | Owner Requester | 3rd Party Requester | | . • | Overall |
|---|--------------------|------------------------|------------|-------------|-------------------|
| a. All claims confirmed | 6% | 15% | 0% | | 22% |
| b. All calims cancled | 3% | 9% | 0% | | 12% |
| c. Claims changed | 21% | 44% | 1% | | 66% |
| 9. Total ex parte reexamination certificate | | 81 – presen | t) | | 10698 |
| a. Certificates with all claims cor | nfirmed | | | 2303 | 22% |
| b. Certificates with all claims car | nceled | | | 1301 | 12% |
| c. Certificates with claims chang | es | | | 7094 | 66% |
| 10. Reexam claim analysis – requester is particular and certificates – PATENT OWNER | | • | ty or Comi | missioner i | nitiated. 3256 |
| a. All claims confirmed | ł | | | 685 | 21% |
| b. All calims cancled | | | | 289 | 9% |
| c. Claims changed | | | | 2282 | 70% |
| b. Certificates – 3rd PARTY REQU | JESTER | | | | 7272 |
| a. All claims confirmed | ł | | | 1600 | 22% |
| b. All calims cancled | | | | 967 | 13% |
| c. Claims changed | | | | 4705 | 65% |
| c. Certificates – COMMISSIONER | INITIATED | REEXAM | | | 170 |
| a. All claims confirmed | d | | | 18 | 11% |
| b. All calims cancled | | | | 45 | 26% |
| c. Claims changed | | | | 107 | 63% |

¹ Total decisions on requests does not include requests that have been vacated or are pending.



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| 1. Total re | equests file | ed since st | art of <i>Ex P</i> | arte reex | kam on 07/0 | 1/81 | | | | 12874 |
|--------------------------------|---|--------------|--------------------|-----------|--------------|------|------------|------|-------------|--------|
| | a. By pate | | | | | | | | 3833 | 30% |
| | b. by othe | r member | of the pu | blic | | | | | 8874 | 69% |
| | c. By orde | r of Comm | nissioner | | | | | | 167 | 1% |
| 2 Numbe | 2. Number of Filings by dicipline | | | | | | | | | |
| Z. Numbe | a. Chemic | | | | | | | | 3435 | 27% |
| | b. Electric | - | | | | | | | 5001 | 39% |
| | c. Mechan | • | | | | | | | 4234 | 33% |
| | d. Design | • | 2011 | | | | | | 204 | 2% |
| | | | | | | | | | | |
| 3. Annual | Ex Parte F | | _ | | Et a al Ma | N | Et L.V. | NI - | Et a a l Ma | N.1 - |
| | Fiscal Yr. | | Fiscal Yr. | | Fiscal Yr. | | Fiscal Yr. | | Fiscal Yr. | |
| | | '8 (3 mos. | | 243 | 1997 | 376 | 2005 | 524 | 2013 | 305 |
| | 1982 | 187 | 1990 | 297 | 1998 | 350 | 2006 | 511 | | |
| | 1983 | 186 | 1991 | 307 | 1999 | 385 | 2007 | 643 | | |
| | 1984 | 189 | 1992 | 392 | 2000 | 318 | 2008 | 680 | | |
| | 1985 | 230 | 1993 | 359 | 2001 | 296 | 2009 | 658 | | |
| | 1986 | 232 | 1994 | 379 | 2002 | 272 | 2010 | 780 | | |
| | 1987 | 240 | 1995 | 392 | 2003 | 392 | 2011 | 759 | | |
| | 1988 | 268 | 1996 | 418 | 2004 | 441 | 2012 | 787 | | |
| 4. Numbe | r known to | be in litig | gation | | | | | | 4167 | 32% |
| 5 Decisio | ns on requ | octs. | | | | | | | | 12016 |
| J. Decisio | a. No. grai | | •••••• | •••••• | | | | | 11013 | 92% |
| | _ | By examir | ner | | | | | | 10891 | 3270 |
| | | • | or (on peti | tion) | | | | | 122 | |
| | b. No. den | • | on peti | ciony | | | | | 1003 | 8% |
| | | By examir | nar | | | | | | 968 | 070 |
| | | Reexam v | | | | | | | 35 | |
| | (2) | nccxam v | acatea | | | | | | 33 | |
| 6. Total ex | xaminer de | enials (incl | udes denia | als rever | sed by Direc | tor) | | | | 1067 |
| | a. Patent o | owner req | uester | | | | | | 498 | 47% |
| | b. Third pa | arty reque | ster | | | | | | 606 | 57% |
| 7. Overall | 7. Overall reexamination pendency (Filing date to certificate issue date) | | | | | | | | | |
| a. Average pendency 27.8 (mos. | | | | | | | | | (mos.) | |
| | b. Median | - | - | | | | | | | (mos.) |
| | | psscc) | • | | | | | | _0.1 | , |

¹ Total decisions on requests does not include requests that have been vacated or are pending.

| 8. Reexam certificate claim analysis: | Owner Requesto | Owner 3rd Party Comm'r Requeste Requeste Initiate | | | Overall |
|--|-------------------|--|--------------|----------|----------------|
| a. All claims confirmed | 6% | 15% | 0% | | 21% |
| b. All calims cancled | 3% | 8% | 0% | | 11% |
| c. Claims changed | 21% | 40% | 1% | | 62% |
| 9. Total ex parte reexamination certif | ficates issue | d (1981 – p | resent) | | 9991 |
| a. Certificates with all claim | ns confirmed | t | | 2241 | 22% |
| b. Certificates with all claim | ns canceled | | | 1205 | 12% |
| c. Certificates with claims o | hanges | | | 6545 | 66% |
| 10. Reexam claim analysis – requeste | er is patent o | owner or 3r | d party or C | ommissio | ner initiated. |
| a. Certificates – PATENT OV | NNER REQU | ESTER | | | 3279 |
| a. All claims conf | irmed | | | 682 | 21% |
| b. All calims cand | led | | | 283 | 9% |
| c. Claims change | d | | | 2239 | 68% |
| b. Certificates – 3rd PARTY | REQUESTER | } | | | 7174 |
| a. All claims conf | irmed | | | 1541 | 21% |
| b. All calims cand | led | | | 882 | 12% |
| c. Claims change | d | | | 4201 | 59% |
| c. Certificates – COMMISSI | ONER INITIA | TED REEXA | M | | 164 |
| a. All claims conf | irmed | | | 18 | 11% |
| b. All calims cand | led | | | 40 | 24% |
| c. Claims change | d | | | 105 | 64% |

11/25/2013 2/2

¹ Total decisions on requests does not include requests that have been vacated or are pending.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

| 1. Total request | s filed since | start of ex par | te reexam o | n 07/01/81. | | | 12569 | | |
|---|--------------------------|-----------------|-------------|-------------|------------|------------|------------------|--|--|
| a. By | patent owr | ner | | | | 3872 | 31% | | |
| b. by | other mem | ber of the pub | lic | | | 8532 | 68% | | |
| c. By | order of Co | mmissioner | | | | 165 | 1% | | |
| | | | | | | | | | |
| 2. Number a. Ch | emical Ope | ration | | | | 3373 | 27% | | |
| b. El | ectrical Ope | ration | | | | 4831 | 38% | | |
| c. M | echanical O _l | peration | | | | 4178 | 33% | | |
| d. De | esign Patent | S | | | | 187 | 1% | | |
| 3. Annual <i>Ex Parte</i> Reexam Filings | | | | | | | | | |
| Fisca | | Fiscal Yr. | No | Fiscal Yr. | No | Fiscal Yr. | No | | |
| | | mos.) 1989 | 243 | 1997 | 376 | 2005 | 524 | | |
| | 981 78 (3 982 18 | - | 243 | 1998 | 350 | 2005 | 511 | | |
| | 983 18 | | 307 | 1999 | 385 | 2007 | 643 | | |
| | 984 18 | | 392 | 2000 | 318 | 2007 | 680 | | |
| | 985 23 | | 359 | 2000 | 296 | 2009 | 658 | | |
| | 986 23 | | 379 | 2001 | 272 | 2010 | 780 | | |
| | 987 24 | | 392 | 2002 | 392 | 2010 | 759 | | |
| | 988 26 | | 418 | 2003 | 392 441 | 2011 | 739 788 | | |
| 1, | 20 | 1330 | 410 | 2004 | 441 | 2012 | 700 | | |
| 4. Number knov | vn to be in l | itigation | | | | 3994 | 32% | | |
| | | | | | | | | | |
| 5. Decisions on | • | | | | | | 11737 | | |
| a. No | _ | | | | | | 92% | | |
| | (1) By ex | | | | | 10762 | | | |
| | | rector (on peti | | | | 122 | | | |
| b. No | | | | | | | 8% | | |
| | (1) By ex | | | | | 961 | | | |
| | . , | am vacated | | | | 35 | | | |
| 6. Total examin | | | reversed b | y Director) | | | 1078 | | |
| a. Patent owner requester 496 | | | | | | | | | |
| b. Third party requester 582 5 | | | | | | | | | |
| 7. Overall reexamination pendency (Filing date to certificate issue date) | | | | | | | | | |
| , , , , | | | | | | | | | |
| | edian pende | • | | | | 20.5 | (mos.) (mos.) | | |
| | • | • | | | | | . , | | |

| 8. Reexam certificate claim analysis: | Owner Requeste | 3rd Party r Requester | | | Overall | | | | |
|---|-------------------|--------------------------|-----|------|---------|--|--|--|--|
| a. All claims confirmed | 21% | 22% | 11% | | 21% | | | | |
| b. All calims cancled | 8% | 12% | 24% | | 11% | | | | |
| c. Claims changed | 71% | 66% | 65% | | 68% | | | | |
| 9. Total ex parte reexamination certificates | issued (198 | 31 – present | | | 9328 | | | | |
| a. Certificates with all claims co | nfirmed | • | | 2029 | 22% | | | | |
| b. Certificates with all claims car | nceled | | | 1063 | 11% | | | | |
| c. Certificates with claims chang | ges | | | 6236 | 67% | | | | |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. | | | | | | | | | |
| a. Certificates – PATENT OWNER | | | | | 3176 | | | | |
| a. All claims confirme | ed | | | 669 | 21% | | | | |
| b. All calims cancled | | | | 280 | 9% | | | | |
| c. Claims changed | | | | 2227 | 70% | | | | |
| b. Certificates – 3rd PARTY REQI | UESTER | | | | 6026 | | | | |
| a. All claims confirme | ed | | | 1348 | 22% | | | | |
| b. All calims cancled | | | | 745 | 12% | | | | |
| c. Claims changed | | | | 3933 | 65% | | | | |
| c. Certificates – COMMISSIONEF | RINITIATED | REEXAM | | | 164 | | | | |
| a. All claims confirmed 18 | | | | | | | | | |
| b. All calims cancled 38 | | | | | | | | | |
| c. Claims changed | | | | 108 | 66% | | | | |



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| 1. | Total requests filed since start of exp | parte reexam or | 07/01/81 | | 11782 ¹ |
|----|---|--|---|--|---------------------------------|
| | a. By patent ownerb. By other member of publicc. By order of Commissioner | | | 3801 7815 166 | 33% 66% 1% |
| 2. | Number of filings by discipline | | | | |
| | a. Chemical Operationb. Electrical Operationc. Mechanical Operationd. Design Patents | | | 3211 4405 3987 179 | 37% 34% |
| 3. | Annual Ex Parte Reexam Filings | | | | |
| | 1982 187 1990 1983 186 1991 1984 189 1992 1985 230 1993 1986 232 1994 1987 240 1995 | No. Fiscal Y 243 1997 297 1998 307 1999 392 2000 359 2001 379 2002 392 2003 418 2004 | r. No. 376 350 385 318 296 272 392 441 | Fiscal Yr. 2005 2006 2007 2008 2009 2010 2011 | No. 524 511 643 680 658 780 759 |
| 4. | Number known to be in litigation | | | 3894. | 33% |
| 5. | Decisions on requests | | | | |
| | (1) By examiner(2) By Director (on petition) | | | 10213 120 | |
| | b. No. denied | | | 929. | 8% |
| | (1) By examiner(2) Reexam vacated | | | 894 35 | |

¹Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

| 6. | To | Total examiner denials (includes denials reversed by Director) | | | | | | | |
|-----|----------------|---|--------------------|------------------------------------|----------------------------|-------------------|--|--|--|
| | | Patent owner requester Third party requester | | | 476 538 | 47% 53% | | | |
| 7. | Ov | rerall reexamination pendency (Filing | g date to certif | ficate issue da | te) | | | | |
| | a. b. | Average pendency Median pendency | | | 25.6 (mos.) 19.9 (mos.) | | | | |
| 8. | Rec | exam certificate claim analysis: | Owner Requester | 3 rd Party Requester | Comm'r Initiated | <u>Overall</u> | | | |
| | a. b. c. | | 21% 9% 70% | 24% 12% 64% | 11% 23% 66% | 23% 11% 66% | | | |
| 9. | Tot | tal ex parte reexamination certificates | s issued (1981 | l – present) | | 8578 | | | |
| | a. b. c. | Certificates with all claims confirmed Certificates with all claims canceled Certificates with claims changes | | | 1943 974 5661 | 23% 11% 66% | | | |
| 10. | Re | exam claim analysis – requester is pa | atent owner o | r 3 rd party or 0 | Commissioner in | itiated. | | | |
| | a. | Certificates – PATENT OWNER R | EQUESTER | ••••• | | 3040 | | | |
| | | All claims confirmed All claims canceled Claim changes | | | 651 264 2125 | 21% 9% 70% | | | |
| | b. | Certificates – 3 rd PARTY REQUES | STER | | | 5380 | | | |
| | | (1) All claims confirmed(2) All claims canceled(3) Claim changes | | | 1274 674 3432 | 24% 12% 64% | | | |
| | c. | Certificates – COMMISSIONER IN | NITIATED R | EEXAM | | 158 | | | |
| | | All claims confirmed All claims canceled Claim changes | | | 18 36 104 | 11% 23% 66% | | | |



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| 1. | Total requests filed sin | nce start of e | x parte | reexam on 0 | 7/01/81. | | | 110231 |
|----|--|--|-------------------------------------|--|---|--|---|-------------------------|
| | a. By patent owneb. By other membc. By order of Con | er of public | | | | 3697 7161 165 | | 34% 65% 1% |
| 2. | Number of filings by | discipline | | | | | | |
| | a. Chemical Operb. Electrical Operc. Mechanical Opd. Design Patents | ation | | | | 3068 4010 3771 174 |) [| 28% 36% 34% 2% |
| 3. | Annual Ex Parte Rees | am Filings | | | | | | |
| | Fiscal Yr. No. 1981 78 (3 mos. 1982 187 1983 186 1984 189 1985 230 1986 232 1987 240 1988 268 | Fiscal Yr.) 1989 1990 1991 1992 1993 1994 1995 1996 | No. 243 297 307 392 359 379 392 418 | Fiscal Yr. 1997 1998 1999 2000 2001 2002 2003 2004 | No. 376 350 385 318 296 272 392 441 | Fiscal Yr. 2005 2006 2007 2008 2009 2010 | No. 524 511 643 680 658 780 | |
| 4. | Number known to be | in litigation. | | | • | 3568. | | 32% |
| 5. | Decisions on requests | | | | | | | 10495 |
| | a. No. granted | | | | | 9648. | | 92% |
| | (1) By examiner(2) By Director (| on petition) | | | | 9534 114 | | |
| | b. No. denied | | | | | 847. | | 8% |
| | (1) By examiner(2) Reexam vaca | ted | | | | 812 35 | | |

¹Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

| 6. | Tot | tal examiner denials (includes denials | s reversed by | Director) | | 926 |
|-----|----------------|---|--------------------|------------------------------------|----------------------------|-------------------|
| | | Patent owner requester Third party requester | | | 451 475 | 49% 51% |
| 7. | Ov | erall reexamination pendency (Filing | date to certif | ficate issue da | te) | |
| | a. b. | Average pendency Median pendency | | | 25.5 (mos.) 20.0 (mos.) | |
| 8. | Ree | exam certificate claim analysis: | Owner Requester | 3 rd Party Requester | Comm'r Initiated | <u>Overall</u> |
| | a. b. c. | All claims confirmed All claims cancelled Claims changes | 22% 8% 70% | 25% 13% 62% | 12% 23% 65% | 23% 12% 65% |
| 9. | Tot | al ex parte reexamination certificates | s issued (1981 | l – present) | | 7782 |
| | a. b. c. | Certificates with all claims confirmed Certificates with all claims canceled Certificates with claims changes | | | 1817 893 5072 | 23% 12% 65% |
| 10. | Re | exam claim analysis – requester is pa | ntent owner o | r 3 rd party or 0 | Commissioner in | itiated. |
| | a. | Certificates – PATENT OWNER R | EQUESTER | | | 2947 |
| | | All claims confirmed All claims canceled Claim changes | | | 638 251 2058 | 22% 8% 70% |
| | b. | Certificates – 3 rd PARTY REQUES | TER | | | 4681 |
| | | (1) All claims confirmed(2) All claims canceled(3) Claim changes | | | 1161 607 2913 | 25% 13% 62% |
| | c. | Certificates – COMMISSIONER IN | IITIATED RI | EEXAM | | 154 |
| | | All claims confirmed All claims canceled Claim changes | | | 18 35 101 | 12% 23% 65% |



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| 1. | Total requests filed since start of <i>ex parte</i> reexam on 07/01/81. | | . 102431 |
|----|--|---|-------------------------|
| | a. By patent ownerb. By other member of publicc. By order of Commissioner | 3634 6444 165 | 35% 63% 2% |
| 2. | Number of filings by discipline | | |
| | a. Chemical Operationb. Electrical Operationc. Mechanical Operationd. Design Patents | 2931 3596 3554 162 | 29% 35% 34% 2% |
| 3. | Annual Ex Parte Reexam Filings | | |
| | Fiscal Yr. No. Fiscal Yr. No. Fiscal Yr. No. 1981 78 (3 mos.) 1989 243 1997 376 1982 187 1990 297 1998 350 1983 186 1991 307 1999 385 1984 189 1992 392 2000 318 1985 230 1993 359 2001 296 1986 232 1994 379 2002 272 1987 240 1995 392 2003 392 1988 268 1996 418 2004 441 | Fiscal Yr. No. 2005 524 2006 511 2007 643 2008 680 2009 658 | |
| 4. | Number known to be in litigation | 3221 | 31% |
| 5. | Decisions on requests | | 9833 |
| | a. No. granted | 9041 | 92% |
| | (1) By examiner(2) By Director (on petition) | 8928 113 | |
| | b. No. denied | 792 | 8% |
| | (1) By examiner(2) Reexam vacated | 757 35 | |

¹Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

| 6. | Total examiner denials (includes denials reversed by Director) | | | | 870 | |
|-----|--|---|--------------------|------------------------------------|----------------------------|-------------------|
| | | Patent owner requester Third party requester | | | 445 425 | 51% 49% |
| 7. | Ov | rerall reexamination pendency (Filing | g date to certif | ficate issue da | te) | |
| | a. b. | Average pendency Median pendency | | | 25.2 (mos.) 19.7 (mos.) | |
| 8. | Ree | exam certificate claim analysis: | Owner Requester | 3 rd Party Requester | Comm'r Initiated | Overall |
| | a. b. c. | All claims cancelled | 22% 8% 70% | 26% 13% 61% | 12% 23% 65% | 25% 11% 64% |
| 9. | Total <i>ex parte</i> reexamination certificates issued (1981 – present) | | | | | 7089 |
| | a. b. c. | Certificates with all claims confirmed Certificates with all claims canceled Certificates with claims changes | | | 1725 807 4557 | 25% 11% 64% |
| 10. | Re | Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated. | | | | itiated. |
| | a. | Certificates – PATENT OWNER REQUESTER2827 | | | | |
| | | All claims confirmed All claims canceled Claim changes | | | 625 233 1969 | 22% 8% 70% |
| | b. | b. Certificates – 3 rd PARTY REQUESTER | | | | 4111 |
| | | All claims confirmed All claims canceled Claim changes | | | 1082 540 2489 | 26% 13% 61% |
| | c. | Certificates – COMMISSIONER IN | NITIATED RI | EEXAM | | 151 |
| | | All claims confirmed All claims canceled Claim changes | | | 18 34 99 | 12% 23% 65% |



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| 1. | Total requests filed since start of ex partes reexam on 07/01/8 | 1 | 9585 ¹ |
|----|--|--|-------------------------|
| | a. By patent ownerb. By other member of publicc. By order of Commissioner | 3567 5853 165 | 37% 61% 2% |
| 2. | Number of filings by discipline | | |
| | a. Chemical Operationb. Electrical Operationc. Mechanical Operationd. Design Patents | 2811 3261 3357 156 | 29% 34% 35% 2% |
| 3. | Annual Ex Parte Reexam Filings | | |
| | Fiscal Yr. No. Fiscal Yr. No. Fiscal Yr. No. 1981 78 (3 mos.) 1989 243 1997 376 1982 187 1990 297 1998 350 1983 186 1991 307 1999 385 1984 189 1992 392 2000 318 1985 230 1993 359 2001 296 1986 232 1994 379 2002 272 1987 240 1995 392 2003 392 1988 268 1996 418 2004 441 | Fiscal Yr. No. 2005 524 2006 511 2007 643 2008 680 | |
| 4. | Number known to be in litigation | 2849 | 30% |
| 5. | Decisions on requests | | 9219 |
| | a. No. granted | 8467 | 92% |
| | (1) By examiner(2) By Director (on petition) | 8354 113 | |
| | b. No. denied | 752 | 8% |
| | (1) By examiner(2) Reexam vacated | 717 35 | |

¹Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

| 6. | Total examiner denials (includes denials reserved by Director) | | | | 830 | |
|-----|---|---|--------------------|------------------------------------|----------------------------|-------------------|
| | | Patent owner requester Third party requester | | | 441 389 | 53% 47% |
| 7. | Ov | erall reexamination pendency (Filing date to certificate issue date) | | | | |
| | a. b. | | | | 24.5 (mos.) 19.0 (mos.) | |
| 8. | Ree | exam certificate claim analysis: | Owner Requester | 3 rd Party Requester | Comm'r Initiated | Overall |
| | a. b. c. | All claims confirmed All claims cancelled Claims changes | 22% 8% 70% | 28% 13% 59% | 12% 21% 67% | 25% 11% 64% |
| 9. | Total ex parte reexamination certificates issued (1981 – present) | | | | | 6457 |
| | a. b. c. | Certificates with all claims confirmed Certificates with all claims canceled Certificates with claims changes | | | 1624 721 4112 | 25% 11% 64% |
| 10. | Re | Reexam claim analysis – requester is patent owner or 3 rd party; or Comm'r initiated. | | | | |
| | a. Certificates – PATENT OWNER REQUESTER | | | | 2722 | |
| | | All claims confirmed All claims canceled Claim changes | | | 611 214 1897 | 22% 8% 70% |
| | b. | b. Certificates – 3 rd PARTY REQUESTER35 | | | | 3588 |
| | | (1) All claims confirmed(2) All claims canceled(3) Claim changes | | | 995 476 2117 | 28% 13% 59% |
| | c. | . Certificates – COMM'R INITIATED REEXAM14 | | | | 147 |
| | | All claims confirmed All claims canceled Claim changes | | | 18 31 98 | 12% 21% 67% |